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9 Attorneys for Plaintiff MICROSOFT CORPORATION

10 **UNITED STATES DISTRICT COURT**

11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MICROSOFT CORPORATION, a
13 Washington corporation,

14 Plaintiff,

15 v.

16 SPRINGFIELD TECHNOLOGY INC.,
17 a California corporation; and YANYAN
18 WU, an individual,

19 Defendants.

Case No. **CV12-5670**

COMPLAINT FOR:

- (1) COPYRIGHT INFRINGEMENT;
(2) FEDERAL TRADEMARK
INFRINGEMENT;
(3) FALSE DESIGNATION OF
ORIGIN, FALSE DESCRIPTION
AND FALSE REPRESENTATION;
(4) COMMON LAW UNFAIR
COMPETITION;
(5) IMPOSITION OF A
CONSTRUCTIVE TRUST; AND
(6) AN ACCOUNTING

20
21
22 **COMPLAINT**

23 Microsoft Corporation ("Microsoft") brings this action against Defendants
24 Springfield Technology Inc., a California corporation, and Yanyan Wu, an
25 individual ("Defendants") alleging that they engaged in copyright and trademark
26 infringement; false designation of origin, false description and representation; and
27 unfair competition. Microsoft seeks damages, an accounting, the imposition of a
28 constructive trust upon Defendants' illegal profits, and injunctive relief.

THE PARTIES

1
2 1. Microsoft is a Washington corporation with its principal place of
3 business located in Redmond, Washington. Microsoft develops, markets, distributes
4 and licenses computer software.

5 2. Upon information and belief, defendant Springfield Technology Inc.
6 ("Springfield Technology") is a California corporation that does business on the
7 Internet and in Commerce, California. Springfield Technology is engaged in the
8 business of advertising, marketing, installing, offering, and distributing computer
9 hardware and software, including purported Microsoft software.

10 3. Upon information and belief, defendant Yanyan Wu, an individual,
11 owns, operates, does business as and/or otherwise controls Springfield Technology.
12 Upon information and belief, Yanyan Wu resides and transacts substantial business
13 in this district. Upon information and belief, Yanyan Wu (a) personally participated
14 in and/or (b) had the right and ability to supervise, direct and control the wrongful
15 conduct alleged in this Complaint, and (c) derived direct financial benefit from that
16 wrongful conduct.

JURISDICTION

17
18 4. This Court has subject matter jurisdiction over Microsoft's claims for
19 trademark infringement, copyright infringement and related claims pursuant to 15
20 U.S.C. § 1121, 17 U.S.C. § 501, 28 U.S.C. §§ 1331 and 1338(a).

21 5. This Court has supplemental jurisdiction over Microsoft's claims
22 arising under the laws of California pursuant to 28 U.S.C. § 1367(a) because these
23 claims are so related to Microsoft's claims under federal law that they form part of
24 the same case or controversy and derive from a common nucleus of operative fact.

VENUE

25
26 6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) and §
27 1400(a) because (a) Defendants reside in the Central District of California; and
28

///

(b) a substantial part of the events giving rise to Microsoft's claims occurred in the Central District of California, as alleged in this Complaint.

FACTS COMMON TO ALL CLAIMS

7. Microsoft develops, advertises, markets, distributes, and licenses a number of computer software programs. Microsoft's software programs are recorded on discs, and they are packaged and distributed together with associated proprietary materials such as user's guides, user's manuals, end user license agreements, and other components.

8. Microsoft Windows XP: Microsoft has developed, advertises, markets, distributes, and licenses a software package known as Microsoft Windows XP Professional ("Windows XP"). Windows XP is an operating system for desktop and laptop systems. It performs a number of computer-related operations including, but not limited to, providing support for various applications and allowing remote access to data and applications stored on Windows XP desktops from network connections. Microsoft holds a valid copyright in Windows XP (including user's reference manuals, user's guides, and screen displays) that was duly and properly registered with the United States Copyright Office. A true and correct copy of the Registration Certificate for Microsoft Windows XP, bearing the number TX 5-407-055, is attached hereto as Exhibit 1 and is incorporated by reference.

9. Microsoft has also duly and properly registered a number of trademarks and a service mark in the United States Patent and Trademark Office on the Principal Register, including, but not limited to:

A. "MICROSOFT," Trademark and Service Mark Registration No. 1,200,236, for computer programs and computer programming services;

B. "MICROSOFT," Trademark Registration No. 1,256,083, for computer hardware and software manuals, newsletters, and computer documentation;

///

1 C. WINDOWS, Trademark Registration No. 1,872,264 for
2 computer programs and manuals sold as a unit; and

3 D. COLORED FLAG DESIGN, Trademark Registration No.
4 2,744,843, for computer software;

5 True and correct copies of the Trademark Registrations for A through D
6 above are attached hereto as Exhibits 2 through 5, respectively, and are incorporated
7 by reference.

8 **Defendants' Infringement**

9 10. Defendants advertised, marketed, installed, offered and distributed
10 unauthorized copies of Microsoft software.

11 11. On information and belief, Defendants advertise that the computers that
12 they sell come pre-installed with Microsoft software. In the advertisements,
13 Defendants misappropriate and/or infringe Microsoft's copyrights, advertising ideas,
14 style of doing business, slogans, trademarks and/or service mark.

15 12. The computers sold by Defendants actually have infringing copies of
16 Microsoft software installed.

17 13. On or about July 8, 2011, Defendants joined the Microsoft Registered
18 Refurbisher Program (the "MRR Program"). As members of the MRR Program,
19 Defendants were provided with information on how to distribute refurbished
20 computer systems with licensed Microsoft software installed.

21 14. Nevertheless, in or about April 2012, Defendants distributed to an
22 investigator computer systems with unauthorized copies of Windows XP installed.

23 15. On information and belief, this is not an isolated incident. Rather,
24 Defendants have been and continue to be involved in advertising, marketing,
25 installing, offering, and/or distributing counterfeit and infringing copies of
26 Microsoft's software and/or related components to unidentified persons or entities.

27 16. On information and belief, Defendants have committed and are
28 continuing to commit acts of copyright and trademark infringement against

1 Microsoft. On information and belief, at a minimum, Defendants were willfully
2 blind and acted in reckless disregard of Microsoft's registered copyrights,
3 trademarks and service marks.

4 17. On information and belief, Microsoft has been harmed by Defendants'
5 advertising activities, including the unauthorized use of Microsoft's copyright
6 protected material, and the unauthorized use of Microsoft's marks to describe the
7 items that Defendants are distributing.

8 **First Claim**

9 **[Copyright Infringement – 17 U.S.C. § 501, et seq.]**
10 **Against All Defendants**

11 18. Microsoft repeats and incorporates by this reference each and every
12 allegation set forth in paragraphs 1 through 17, inclusive.

13 19. Microsoft is the sole owner of Microsoft Windows XP and of the
14 corresponding copyright and Certificate of Registration.

15 20. Defendants have infringed the copyrights in Microsoft's software,
16 including but not limited Microsoft Windows XP, by advertising, marketing,
17 installing, offering, and/or distributing infringing materials in the United States of
18 America without approval or authorization from Microsoft.

19 21. At a minimum, Defendants acted with willful blindness to and in
20 reckless disregard of Microsoft's registered copyrights.

21 22. As a result of the wrongful conduct, Defendants are liable to Microsoft
22 for copyright infringement. 17 U.S.C. § 501. Microsoft has suffered damages.
23 Microsoft is entitled to recover damages, which include any and all profits
24 Defendants have made as a result of the wrongful conduct. 17 U.S.C. § 504.
25 Alternatively, Microsoft is entitled to statutory damages under 17 U.S.C. § 504(c).

26 23. In addition, for the reasons set forth above, the award of statutory
27 damages should be enhanced in accordance with 17 U.S.C. § 504(c)(2).

28 24. Microsoft is also entitled to injunctive relief pursuant to

1 17 U.S.C. § 502 and to an order impounding any and all infringing materials
2 pursuant to 17 U.S.C. § 503. Microsoft has no adequate remedy at law for
3 Defendants' wrongful conduct because, among other things, (a) Microsoft's
4 copyrights are unique and valuable property which have no readily determinable
5 market value, (b) Defendants' infringement harms Microsoft such that Microsoft
6 could not be made whole by any monetary award, and (c) Defendants' wrongful
7 conduct, and the resulting damage to Microsoft, is continuing.

8 25. Microsoft is also entitled to recover its attorneys' fees and costs of suit.
9 17 U.S.C. § 505.

10 **Second Claim**
11 **[Trademark Infringement – 15 U.S.C. § 1114]**
12 **Against All Defendants**

13 26. Microsoft repeats and incorporates by this reference each and every
14 allegation set forth in paragraphs 1 through 25, inclusive.

15 27. Defendants' activities constitute infringement of Microsoft's federally
16 registered trademarks and service mark in violation of the Lanham Trademark Act,
17 including but not limited to 15 U.S.C. § 1114(1).

18 28. Because Microsoft advertises, markets, distributes, and licenses its
19 software under the trademarks and service mark described in this Complaint, these
20 trademarks and service mark are the means by which Microsoft's software is
21 distinguished from the software and related items of others in the same or related
22 fields.

23 29. Because of Microsoft's long, continuous, and exclusive use of these
24 trademarks and service mark, they have come to mean, and are understood by
25 customers, end users, and the public to signify, software programs or services of
26 Microsoft.

27 30. The infringing materials that Defendants have and are continuing to
28 advertise, market, install, offer, and distribute are likely to cause confusion, mistake,

1 or deception as to their source, origin, or authenticity.

2 31. Further, Defendants' activities are likely to lead the public to conclude,
3 incorrectly, that the infringing materials that Defendants are advertising, marketing,
4 installing, offering, and/or distributing originate with or are authorized by Microsoft,
5 to the damage and harm of Microsoft, its licensees, and the public.

6 32. Upon information and belief, Defendants advertised, marketed,
7 installed, offered or distributed infringing material with the purposes of misleading
8 or confusing customers and the public as to the origin and authenticity of the
9 infringing materials and of trading upon Microsoft's business reputation.

10 33. At a minimum, Defendants acted with willful blindness to and in
11 reckless disregard of Microsoft's registered marks.

12 34. As a result of the wrongful conduct, Defendants are liable to Microsoft
13 for trademark infringement. 15 U.S.C. § 1114(1). Microsoft has suffered damages.
14 Microsoft is entitled to recover damages, which include any and all profits
15 Defendants have made as a result of the wrongful conduct. 15 U.S.C. § 1117(a).

16 35. In addition, because Defendants' infringement of Microsoft's
17 trademarks and service mark as described above was willful, the award of actual
18 damages and profits should be trebled pursuant to 15 U.S.C. § 1117(b).
19 Alternatively, Microsoft is entitled to statutory damages under 15 U.S.C. § 1117(c).

20 36. Microsoft is also entitled to injunctive relief pursuant to 15 U.S.C. §
21 1116(a) and to an order compelling the impounding of all infringing materials
22 advertised, marketed, installed, offered or distributed by Defendants pursuant to 15
23 U.S.C. § 1116, subsections (a) and (d)(1)(A). Microsoft has no adequate remedy at
24 law for Defendants' wrongful conduct because, among other things, (a) Microsoft's
25 trademarks and service mark are unique and valuable property which have no
26 readily determinable market value, (b) Defendants' infringement constitutes harm to
27 Microsoft's such that Microsoft could not be made whole by any monetary award,
28 (c) if Defendants' wrongful conduct is allowed to continue, the public is likely to

1 become further confused, mistaken, or deceived as to the source, origin or
2 authenticity of the infringing materials, and (d) Defendants' wrongful conduct, and
3 the resulting damage to Microsoft, is continuing.

4 37. Microsoft is also entitled to recover its attorneys' fees and costs of suit.
5 15 U.S.C. § 1117.

6 **Third Claim**

7 **[False Designation Of Origin, False Description And Representation Of**
8 **Microsoft Packaging – --15 U.S.C. § 1125 et seq.]**
9 **Against All Defendants**

10 38. Microsoft repeats and incorporates by this reference each and every
11 allegation set forth in paragraphs 1 through 37, inclusive.

12 39. Because Microsoft advertises, markets, distributes, and licenses its
13 software under the trademarks and service mark described in this Complaint, these
14 trademarks and service mark are the means by which Microsoft's software is
15 distinguished from the software or products of others in the same field or related
16 fields.

17 40. Because of Microsoft's long, continuous, and exclusive use of these
18 trademarks and service mark, they have come to mean, and are understood by
19 customers, end users, and the public to signify, software or services of Microsoft.

20 41. Microsoft has also designed distinctive and aesthetically pleasing
21 displays, logos, icons, graphic images, and packaging (collectively, "Microsoft
22 visual designs") for its software programs.

23 42. Defendants' wrongful conduct includes the use of Microsoft's marks,
24 name, and/or imitation visual designs, specifically displays, logos, icons, graphic
25 designs, and/or packaging virtually indistinguishable from Microsoft visual designs,
26 in connection with their goods and services.

27 43. Upon information and belief, Defendants engaged in such wrongful
28 conduct with the purpose of misleading or confusing customers and the public as to
the origin and authenticity of the goods and services advertised, marketed, installed,

1 offered or distributed in connection with Microsoft's marks, name, and imitation
 2 visual designs, and of trading upon Microsoft's goodwill and business reputation.
 3 Defendants' conduct constitutes (a) false designation of origin, (b) false or
 4 misleading description, and (c) false or misleading representation that the imitation
 5 visual images originate from or are authorized by Microsoft, all in violation of
 6 § 43(a) of the Lanham Trademark Act, set forth at 15 U.S.C. § 1125(a).

7 44. Defendants' wrongful conduct is likely to continue unless restrained
 8 and enjoined.

9 45. As a result of Defendants' wrongful conduct, Microsoft has suffered
 10 and will continue to suffer damages. Microsoft is entitled to injunctive relief and to
 11 an order compelling the impounding of all imitation marks and visual designs being
 12 used, advertised, marketed, installed, offered or distributed by Defendants.
 13 Microsoft has no adequate remedy at law for Defendants' wrongful conduct
 14 because, among other things, (a) Microsoft's marks, name and visual designs are
 15 unique and valuable property which have no readily-determinable market value, (b)
 16 Defendants' advertising, marketing, installation, or distribution of imitation visual
 17 designs constitutes harm to Microsoft such that Microsoft could not be made whole
 18 by any monetary award, and (c) Defendants' wrongful conduct, and the resulting
 19 damage to Microsoft, is continuing.)

20 **Fourth Claim**

21 **[California Common Law Unfair Competition]** 22 **Against All Defendants**

23 46. Microsoft realleges, and incorporates by this reference, each and every
 24 allegation set forth in paragraphs 1 through 45, inclusive.

25 47. The acts and conduct of Defendants as alleged above in this Complaint
 26 constitute unfair competition pursuant to the common law of California.

27 48. Defendants' acts and conduct are likely to confuse the public into
 28 believing that the items being offered or distributed by Defendants are sponsored,

1 approved or authorized by Microsoft in violation of Microsoft's rights under the
2 common law of unfair competition of the State of California.

3 49. Defendants' acts and conduct as alleged above have damaged and will
4 continue to damage Microsoft's goodwill and reputation and have resulted in losses
5 to Microsoft and an illicit gain of profit to Defendants in an amount unknown at the
6 present time.

7 **Fifth Claim**
8 **[For Imposition Of A Constructive Trust Upon Illegal Profits]**
9 **Against All Defendants**

10 50. Microsoft repeats and incorporates by this reference each and every
11 allegation set forth in paragraphs 1 through 49, inclusive.

12 51. Defendants' conduct constitutes deceptive and wrongful conduct in the
13 nature of passing off the infringing materials as genuine Microsoft software or
14 related components approved or authorized by Microsoft.

15 52. By virtue of Defendants' wrongful conduct, Defendants have illegally
16 received money and profits that rightfully belong to Microsoft.

17 53. Upon information and belief, Defendants hold the illegally received
18 money and profits in the form of bank accounts, real property, or personal property
19 that can be located and traced.

20 54. Defendants hold the money and profits Defendants have illegally
21 received as a constructive trustee for the benefit of Microsoft.

22 **Sixth Claim**
23 **[Accounting]**
24 **Against All Defendants**

25 55. Microsoft repeats and incorporates by this reference each and every
26 allegation set forth in paragraphs 1 through 54, inclusive.

27 56. Microsoft is entitled, pursuant to 17 U.S.C. § 504 and 15 U.S.C. §
28 1117, to recover any and all profits of Defendants that are attributable to the acts of
infringement.

1 57. Microsoft is entitled, pursuant to 17 U.S.C. § 504 and 15 U.S.C. §
2 1117, to actual damages or statutory damages sustained by virtue of Defendants'
3 acts of infringement.

4 58. The amount of money due from Defendants to Microsoft is unknown to
5 Microsoft and cannot be ascertained without a detailed accounting by Defendants of
6 the precise number of units of infringing material advertised, marketed, installed,
7 offered or distributed by Defendants.

8 **PRAYER FOR RELIEF**

9 WHEREFORE, Microsoft respectfully requests judgment as follows:

10 (1) That the Court enter a judgment against Defendants as indicated below:

11 (a) that Defendants have infringed Microsoft's rights in the
12 following federally registered copyright, in violation of 17 U.S.C. § 501: TX 5-407-
13 055 ("Windows XP");

14 (b) that Defendants have infringed Microsoft's rights in the
15 following federally registered trademarks and service mark, in violation of 15
16 U.S.C. § 1114:

17 (1) 1,200,236 ("MICROSOFT");

18 (2) 1,256,083 ("MICROSOFT");

19 (3) 1,872,264 ("WINDOWS"); and

20 (4) 2,744,843 (COLORED FLAG DESIGN);

21 (c) that the infringement described in 1(a) and 1(b) was committed,
22 at a minimum, with willful blindness and/or reckless disregard;

23 (d) that Defendants have committed and are committing acts of false
24 designation of origin, false or misleading description of fact, and false or misleading
25 representation against Microsoft, in violation of 15 U.S.C. § 1125(a);

26 (e) that Defendants have engaged in unfair competition in violation
27 of California common law; and
28

1 (f) that Defendants have otherwise injured the business reputation
2 and business of Microsoft by the acts and conduct set forth in this Complaint.

3 (2) That the Court issue injunctive relief against Defendants, and that
4 Defendants, any directors, principals, officers, agents, representatives, servants,
5 employees, attorneys, successors and assigns, and all others in active concert or
6 participation with Defendants, be enjoined and restrained from:

7 (a) imitating, copying, or making any other infringing use or
8 infringing distribution of the software programs, components, end user license
9 agreements ("EULA"), certificates of authenticity ("COAs") and/or items protected
10 by the following copyright Certificate Registration No.: TX 5-407-055 ("Windows
11 XP"); or the software programs, components and/or items protected by Microsoft's
12 registered trademarks and service mark, including, but not limited to, the following
13 Trademark Registration Nos.:

14 (1) 1,200,236 ("MICROSOFT");

15 (2) 1,256,083 ("MICROSOFT");

16 (3) 1,872,264 ("WINDOWS"); and

17 (4) 2,744,843 (COLORED FLAG DESIGN);

18 and any other items or works now or hereafter protected by any Microsoft trademark
19 or copyright;

20 (b) manufacturing, assembling, producing, distributing, offering for
21 distribution, circulating, selling, offering for sale, advertising, importing, promoting,
22 or displaying any software program, component, EULA, COA and/or item bearing
23 any simulation, reproduction, counterfeit, copy, or colorable imitation of any of
24 Microsoft's registered trademarks, service mark, or copyrights, including, but not
25 limited to, the Trademark, Service Mark, and Copyright Registration Numbers listed
26 in Sections (2)(a) above;

27 (c) using any simulation, reproduction, counterfeit, copy, or
28 colorable imitation of Microsoft's registered trademarks, service mark, or copyright

1 including, but not limited to the Trademark, Service Mark, and Copyright
2 Registration Numbers listed in Section (2)(a) above, in connection with the
3 manufacture, assembly, production, distribution, offering for distribution,
4 circulation, sale, offering for sale, import, advertisement, promotion, or display of
5 any software program, component, EULA, COA, and/or item not authorized or
6 licensed by Microsoft;

7 (d) using any false designation of origin or false or misleading
8 description or false or misleading representation that can or is likely to lead the trade
9 or public or individuals erroneously to believe that any software program,
10 component, and/or item has been manufactured, assembled, produced, distributed,
11 offered for distribution, circulation, sold, offered for sale, imported, advertised,
12 promoted, displayed, licensed, sponsored, approved, or authorized by or for
13 Microsoft, when such is not true in fact;

14 (e) engaging in any other activity constituting an infringement of
15 any of Microsoft's trademarks, service mark and/or copyrights, or of Microsoft's
16 rights in, or right to use or to exploit, these trademarks, service mark, and/or
17 copyrights; and

18 (f) assisting, aiding, or abetting any other person or business entity
19 in engaging in or performing any of the activities referred to in subparagraphs (a)
20 through (e) above.

21 (3) That the Court enter an order pursuant to 15 U.S.C. § 1116(a)(d)(1)(A)
22 and 17 U.S.C. § 503 impounding all counterfeit and infringing copies of purported
23 Microsoft software and/or materials bearing any of Microsoft's trademarks or
24 service mark, and any related item, including business records, that is in
25 Defendants' possession or under their control;

26 (4) That the Court enter an order declaring that Defendants hold in trust, as
27 a constructive trustees for the benefit of Microsoft, the illegal profits obtained from
28 their distribution of counterfeit and infringing copies of Microsoft's software, and

1 requiring Defendants to provide Microsoft a full and complete accounting of all
2 amounts due and owing to Microsoft as a result of Defendants' illegal activities.

3 (5) That the Court order Defendants to pay Microsoft's general, special,
4 actual, and statutory damages as follows:

5 (a) Microsoft's damages and Defendants' profits pursuant to 17
6 U.S.C. § 504(b), or alternatively, enhanced statutory damages pursuant to 17 U.S.C.
7 § 504(c), and 17 U.S.C. § 504(c)(2), for Defendants' infringement of Microsoft's
8 copyrights;

9 (b) Microsoft's damages and Defendants' profits pursuant to 15
10 U.S.C. § 1117(a), trebled pursuant to 15 U.S.C. § 1117(b) for Defendants' violation
11 of Microsoft's registered trademarks and service mark, or in the alternative, statutory
12 damages pursuant to 15 U.S.C. § 1117(c) for each counterfeit mark; and

13 (c) Microsoft's damages and Defendants' profits pursuant to
14 California common law;

15 (6) That the Court order Defendants to pay to Microsoft both the costs of
16 this action and the reasonable attorneys' fees incurred by it in prosecuting this
17 action; and

18 (7) That the Court grant to Microsoft such other and additional relief as is
19 just and proper.

20 DATED: June 29 2012.

21 PERKINS COIE LLP

22 By 

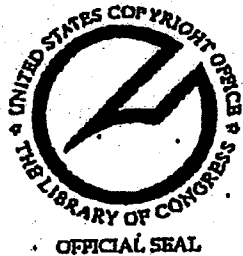
23 Katherine M. Dugdale
24 Attorneys for Plaintiff

25 MICROSOFT CORPORATION
26
27
28

EXHIBIT 1

08/03/02 MON 13:45 FAA 420044142

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM TX

For a Non-dramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

TX 5-407-055



EFFECTIVE DATE OF REGISTRATION

Nov. 6, 2001

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

Microsoft Windows XP Professional

PREVIOUS OR ALTERNATIVE TITLES

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work

If published in a periodical or serial give Volume Number Issue Date On Page

2

NAME OF AUTHOR

a Microsoft Corporation

Was this contribution to the work a "work made for hire"?
☒ Yes
☐ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
Domiciled in

DATES OF BIRTH AND DEATH

Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee. See instructions. For any use of this work that is "made for hire" in the above section, give the employer (or other person for whom the work was prepared) as "author" of that work, and leave the space for date of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.
Entire work - computer software program, documentation & text on product packaging

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born Year Died

Was this contribution to the work a "work made for hire"?
☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED
a 2001

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK
b Month 10 Day 25 Year 2001
USA

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. Microsoft Corporation
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED
NOV 06 2001
ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED
NOV 06 2001
FUNDS RECEIVED

MORE ON BACK

Complete all applicable spaces (numbers 3-7) on the reverse side of this page.
See detailed instructions. Sign the bottom line.

DO NOT WRITE HERE
Page 1 of 2 pages

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☒ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.)

a. ☐ This is the first published edition of a work previously registered in unpublished form.
b. ☐ This is the first application submitted by the author as copyright claimant.
c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number _____ Year of Registration **2000**

TX 6-036-257

2 Previous version & files copyrighted by various third parties

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ☒ Additional programming text, additional written text, and editorial revisions

2 Microsoft Corporation DAO63819

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

b Microsoft Corporation, ATTN: Judy Weston
One Microsoft Way
Redmond, WA 98052

Area code and daytime telephone number ▶ (425) 836-9104
E-mail ▶ judywn@microsoft.com

* **CERTIFICATION** I, the undersigned, hereby certify that I am the

Check only one ➤

"of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

☐ author
☐ other copyright claimant
☐ owner of exclusive rights (4)
☒ authorized agent of **Microsoft Corporation**
Name of author or other copyright claimant, or

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Judy K.K. Weston

Date: November 5, 2001

The filing fee of \$20.00 is effective through June 30, 1999. After that date, please write the Copyright Office, check the Copyright Office Website at <http://www.loc.gov/copyright>, or call (202) 707-2826 for the latest fee information.

**Mail
certificate
to:**

**Certificate
will be
mailed in
window
envelope**

Microsoft Corporation, ATTN: Judy Wealon
Law and Corporate Affairs
One Microsoft Way
Redmond, WA 98052

[illegible]

EXHIBIT 2

Int. Cls.: 9 and 42

Prior U.S. Cls.: 26, 38 and 101

United States Patent and Trademark Office

Reg. No. 1,200,236
Registered Jul. 6, 1982

TRADEMARK
SERVICE MARK
Principal Register

MICROSOFT

Microsoft (partnership)
Suite 819
10800 NE. 8th
Bellevue, Wash. 98004

VICES, in CLASS 42 (U.S. Cl. 101).

First use Nov. 12, 1975; in commerce Nov. 12, 1975.

For: COMPUTER PROGRAMS, in CLASS 9
(U.S. Cls. 26 and 38).

Ser. No. 336,080, filed Oct. 22, 1979.

First use Nov. 12, 1975; in commerce Nov. 12, 1975.

B. H. VERTIZ, Primary Examiner

For: COMPUTER PROGRAMMING SER-

CHERYL LYNNE HENDERSON, Examiner

Certificate of Correction

Registered July 6, 1982

Registration No. 1,200,236

Microsoft Corporation, by change of name and assignment from Microsoft

It is hereby certified that the above identified registration is in error requiring correction as follows:

In the statement, column 1, before line 1, *Microsoft Corporation (Washington corporation), 10700 Northup Way, Bellevue, Wash. 98004, by change of name and assignment from* should be inserted.

The said registration should be read as corrected above.

Signed and sealed this 3rd day of April 1984.



Attest:

Michael J. ...

Donald J. ...

EXHIBIT 3

Int. Cl.: 16

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,256,083
Registered Nov. 1, 1983

TRADEMARK
Principal Register

MICROSOFT

Microsoft Corporation (Washington corporation)
10700 Northup Way
Bellevue, Wash. 98004

For: COMPUTER HARDWARE AND SOFTWARE MANUALS; NEWSLETTER FEATURING INFORMATION ABOUT COMPUTER HARDWARE AND SOFTWARE AND GENERAL INFORMATION RELATING TO COMPUTERS FOR MANUFACTURERS, DISTRIBUTORS, AND USERS OF COMPUTERS AND COMPUTER SOFTWARE; AND COMPUTER DOCUMENTATION—NAMELY, REFERENCE, USER, INSTRUCTIONAL, AND GENERAL UTILITIES MANUALS AND DATA SHEETS FOR COMPUTER HARDWARE AND SOFTWARE USERS. in CLASS 16 (U.S. Cl. 38).

First use Nov. 1975; in commerce Nov. 1975.

Ser. No. 373,992, filed Jul. 12, 1982.

J. H. WEBB, Examining Attorney

EXHIBIT 4

Int. Cl.: 9

Prior U.S. Cl.: 38

United States Patent and Trademark Office

Reg. No. 1,872,264
Registered Jan. 10, 1995

**TRADEMARK
PRINCIPAL REGISTER**

WINDOWS

MICROSOFT CORPORATION (DELAWARE
CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FIRST USE 10-18-1983; IN COMMERCE
10-18-1983.

SEC. 2(F).

FOR: COMPUTER PROGRAMS AND MANU-
ALS SOLD AS A UNIT; NAMELY, GRAPHICAL
OPERATING ENVIRONMENT PROGRAMS
FOR MICROCOMPUTERS, IN CLASS 9 (U.S.
CL. 38).

SER. NO. 74-090,419, FILED 8-20-1990.

ESTHER BELENKER, EXAMINING ATTOR-
NEY

EXHIBIT 5

Int. Cl.: 9

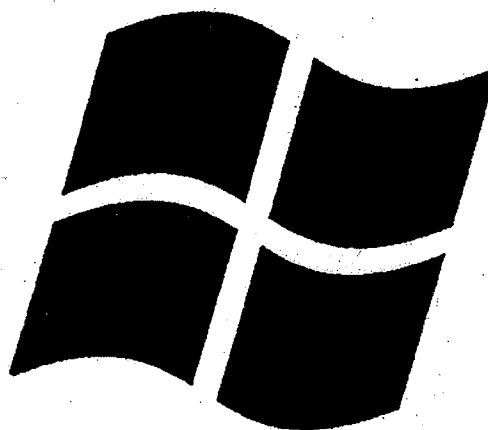
Prior U.S. Cls.: 21, 23, 26, 36, and 38

Reg. No. 2,744,843

United States Patent and Trademark Office

Registered July 29, 2003

**TRADEMARK
PRINCIPAL REGISTER**



MICROSOFT CORPORATION (WASHINGTON CORPORATION)
ONE MICROSOFT WAY
REDMOND, WA 980526399

FOR: COMPUTER SOFTWARE, NAMELY, OPERATING SYSTEM PROGRAMS AND UTILITIES, WORD PROCESSING PROGRAMS, ADDRESS BOOK PROGRAMS, CALCULATOR PROGRAMS, TERMINAL EMULATION PROGRAMS, PROGRAMS FOR DOWNLOADING AND PLAYING AUDIO AND VIDEO, PROGRAMS FOR MANAGING COMPUTER POWER SUPPLIES, PROGRAMS FOR USE IN TRANSMITTING DATA BETWEEN COMPUTERS AND OTHER ELECTRONIC DEVICES, COMPUTER MAINTENANCE PROGRAMS, PROGRAMS FOR PROVIDING ENHANCED SPECIAL EFFECTS WHILE RUNNING GAME PROGRAMS, PROGRAMS FOR USE IN ACCESSING AND PLAYING CDS AND DVDS, BROWSER PROGRAMS, ACCESSIBILITY PROGRAMS TO MAKE COMPUTERS MORE USEFUL FOR PERSONS WITH DISABILITIES; PAINT PROGRAMS, NAMELY, COMPUTER SOFTWARE FOR USE IN CREATING, EDITING AND COLORING DRAWINGS; ELECTRONIC MAIL PROGRAMS; PROGRAMS FOR ELECTRONIC CONFERENCING; COMPUTER SOFTWARE FOR PLAYING VIDEO AND ELECTRONIC GAMES AND COMPUTER GAMES; USER MANUALS THEREFOR SOLD AS A UNIT THEREWITH; COMPUTERS; COMPUTER HARDWARE; AND FULL LINE OF COMPUTER APPLICATION PROGRAMS; COMPUTER PERIPHERALS; COMPU-

TER MICE AND POINTING DEVICES; HAND HELD COMPUTERS; DVD PLAYERS; DIGITAL CELLULAR PHONES; BLANK SMART CARDS, NAMELY, ENCODED ELECTRONIC CHIP CARDS CONTAINING PROGRAMMING FOR VARIOUS BUSINESS AND TECHNICAL FUNCTIONS; COMMUNICATION SERVERS, AND COMPUTER APPLICATION PROGRAMS AND OPERATING SYSTEM PROGRAMS FOR USE THEREWITH; COMPUTER PROGRAMS FOR MANAGING COMMUNICATIONS AND DATA EXCHANGE BETWEEN COMPUTERS AND ELECTRONIC DEVICES; VIDEO GAME MACHINES FOR USE WITH TELEVISIONS AND COMPUTERS, AND OPERATING SYSTEM SOFTWARE FOR USE THEREWITH; OPERATING SYSTEM SOFTWARE FOR USE IN PLAYING ELECTRONIC GAMES; COMPUTER HARDWARE AND PERIPHERALS; COMPUTER KEYBOARDS; COMPUTER AND VIDEO GAME JOYSTICKS; VIDEO GAME INTERACTIVE CONTROL FLOOR PADS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-26-2001; IN COMMERCE 3-26-2001.

OWNER OF U.S. REG. NOS. 1,815,350, 1,816,354, AND OTHERS.

THE MARK CONSISTS OF A FLAG DESIGN. THE UPPER LEFT PORTION OF THE FLAG IS RED, THE LOWER LEFT PORTION IS BLUE, THE UPPER RIGHT PORTION IS GREEN, AND THE LOWER RIGHT PORTION IS YELLOW. COLOR IS CLAIMED AS PART OF THE MARK.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Otis D. Wright II and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

CV12- 5670 ODW (JCx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

Name & Address:

Katherine M. Dugdale (SBN 168014)
Perkins Coie LLP
1888 Century Park East, Suite 1700
Los Angeles, CA 90067

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a Washington
corporation

PLAINTIFF(S)

v.

SPRINGFIELD TECHNOLOGY INC., a California
corporation; and YANYAN WU, an individual

DEFENDANT(S).

CASE NUMBER

CV12-5670 - ODW(JC)

SUMMONS

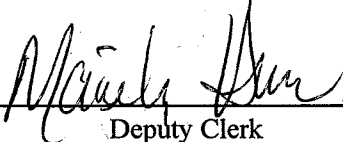
TO: DEFENDANT(S):

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ _____ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Katherine M. Dugdale, whose address is Perkins Coie LLP, 1888 Century Park East, Suite 1700, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JUN 29 2012

By: 
Deputy Clerk

(Seal of the Court)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

Name & Address:

Katherine M. Dugdale (SBN 168014)
 Perkins Coie LLP
 1888 Century Park East, Suite 1700
 Los Angeles, CA 90067

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

MICROSOFT CORPORATION, a Washington
 corporation

CASE NUMBER

PLAINTIFF(S)

v.

CV12-5670-ODW(JC)

SPRINGFIELD TECHNOLOGY INC., a California
 corporation; and YANYAN WU, an individual

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S):

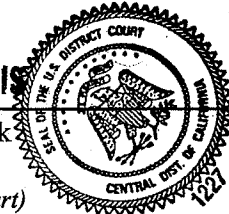
A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Katherine M. Dugdale, whose address is Perkins Coie LLP, 1888 Century Park East, Suite 1700, Los Angeles, CA 90067. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: JUN 29 2012By: MARILYN DAVIS
Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

CONFORMED COPIES

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)
MICROSOFT CORPORATION, a Washington corporation**DEFENDANTS**
SPRINGFIELD TECHNOLOGY INC., a California corporation; and YANYAN WU, an individual**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)Katherine M. Dugdale (SBN 168014), Perkins Coie LLP
1888 Century Park East, Suite 1700
Los Angeles, CA 90067 310 788-9900

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)**CLASS ACTION under F.R.C.P. 23:** ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT: \$****VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Copyright Infringement(17 USC § 501); Federal Trademark Infringement(15 USC § 1114); False Designation of Origin, False Description and False Representation (15 USC § 1125)

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

CV12-5670

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Washington

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER): _____ Date June 29, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))